

# Memo

**From:** Kathleen M. Allen

**Date:** 6/12/2012

**Re:** BD 2012-388

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## **LEGAL FEES**

2009-756

Judge prohibited from using campaign funds to repay costs and legal expenses defending a complaint filed with the Judiciary Commission. Supreme Court in those proceedings concluded that he violated the Code of Judicial Conduct.

2008-335

Judge prohibited from using campaign funds to pay legal fees incurred in connection with an investigation by the Judiciary Commission.

2007-556

Parish president was prohibited from using campaign funds to pay for legal fees incurred in connection with civil and criminal lawsuits arising from findings in a Legislative Audit.

2007-326

Parish president could use campaign funds to pay for legal fees incurred in connection with a Legislative Auditor's investigation.

2006-619

Police chief allowed to use campaign funds to make payments for the costs incurred in connection with an investigation by the New Orleans District Attorney and law enforcement agencies concerning the police department refusing to allow ingress across a bridge into the city after Hurricane Katrina.

2005-011

District Attorney allowed to use campaign funds to pay legal costs incurred in connection with his defense of the discrimination lawsuit filed by former employees of the DA's office.

2004-647

Judge was prohibited from using campaign funds to pay the legal fees and expenses in connection with his defense of a federal indictment. The charges were those of conspiracy to operate an enterprise through a pattern of racketeering activity, conspiracy to commit mail fraud, and mail fraud; and, the charges alleged that he engaged in the practice of bond splitting to allow a company to maximize its profits.

2003-813

Sheriff allowed to use campaign funds to file a civil lawsuit alleging defamation by his opponent in connection with the election. Any damages awarded to the sheriff as a result of the lawsuit were going to be donated to a non-profit organization.

2003-811

Councilman allowed to use campaign funds to defend himself in connection with two lawsuits filed. One lawsuit objected to his candidacy, and the other sought a declaratory judgment that he was violating the dual-officeholding laws. Both suits were dismissed.

2003-697

Judge allowed to use campaign funds to pay legal fees in connection with his successful defense of a complaint filed with the Judiciary Commission alleging breach of conduct when he did not recuse himself as a judge in a lawsuit in which the spouse of his opponent in the election was an attorney.

2002-819

Sheriff allowed to use campaign funds to reimburse himself for legal fees incurred in connection with a federal investigation that he took bribes from those with video poker interest and that he owned a video poker establishment. Charges were never filed.

2002-545

Commissioner of Agriculture could use campaign funds to pay legal fees and expenses incurred in connection with his defense of criminal charges. The charges involved conduct attempting to influence his conduct as commissioner, his political campaign, and his duties with respect to the Louisiana State Market Commission.

2002-397

1<sup>st</sup> Opinion

Judge prohibited from using campaign funds to pay legal fees and expenses in connection with his defense of criminal charges alleging conspiracy to distribute a narcotic. The alleged motive behind the illegal activity was to protect the judge's interest as a candidate and that the crime would benefit the judge and a litigant in his court.

2<sup>nd</sup> Opinion

Judge prohibited from using campaign funds to defray criminal defense expenses associated with the federal indictment which charged the judge with mail fraud and conspiracy to violate civil rights referring to his conduct as the presiding judge in a domestic proceeding. (Vote was 7 to 4 by Board.)

3<sup>rd</sup> Opinion

Judge could use campaign funds to pay legal fees and expenses in connection with his defense of criminal charges. The federal indictment concerned the judge's conduct as the presiding judge in a domestic proceeding in a lawsuit pending before his court. (Vote was 6 to 4 with one abstention by the Board.)

2000-543

Police chief prohibited from using campaign funds to pay for legal fees incurred in connection with federal criminal charge of perjury in which he pled guilty. The criminal charge arose from a civil lawsuit in which he was involved as the police chief.

1993-141

School board member could use campaign funds in connection with contempt charges against the school board member because of statements she made at a news conference that were allegedly critical of the court's decision against the school board in a lawsuit challenging the content of one of its educational programs.

1992-160

Candidate allowed to use campaign funds to pay litigation expenses in connection with a lawsuit concerning statements made by his opponent during the course of the campaign.



STATE OF LOUISIANA  
DEPARTMENT OF STATE CIVIL SERVICE  
**LOUISIANA BOARD OF ETHICS**  
P. O. BOX 4368  
BATON ROUGE, LA 70821  
(225) 219-5600  
FAX: (225) 381-7271  
1-800-842-6630  
[www.ethics.state.la.us](http://www.ethics.state.la.us)

September 2, 2009

The Honorable Donald R. Johnson  
Judge, Section 7, Division B  
Nineteenth Judicial District Court  
Suite 619 Governmental Building  
222 St. Louis Street  
Baton Rouge, LA 70802

Re: Ethics Board Docket No. 2009-756

Dear Judge Johnson:

The Louisiana Board of Ethics, acting as the Supervisory Committee on Campaign Finance Disclosure, at its August 26, 2009 meeting, considered your request for an advisory opinion concerning the propriety of your use of campaign funds to repay costs and legal expenses you incurred while defending a complaint filed against you with the Judiciary Commission.

In deciding the charges that were brought against you, the Louisiana Supreme Court held that (1) while presiding over drug court, you were not authorized to order defendants to pay fines to various civic or charitable organizations in cases where the organizations were not themselves the crime victims; (2) your conduct in ordering such fines violated Code of Judicial Conduct; (3) you violated Code of Judicial Conduct in permitting your judicial assistant to take dual employment with the federal government; and (4) public censure was warranted as a sanction. In addition, you were ordered to reimburse and pay to the Commission the amount of \$5,801.89 in hard costs incurred in the investigation and prosecution of the case.

Section 1505.2(I) of the Campaign Finance Disclosure Act provides that:


... contributions received by a candidate or a political committee may be expended for any lawful purpose, but such funds shall not be used, loaned, or pledged by any person for any personal use unrelated to a political campaign [or] the holding of a public office . . . LSA-R.S. 18:1505.2(I).

The Board expressed the opinion your use of campaign funds to pay legal fees in connection with your defense of the described complaint filed against you with the Judiciary Commission is prohibited by Section 1505.2(I), cited above. The Board issues no opinion as to laws other than the Campaign Finance Disclosure Act.

If you have any questions, please call me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

  
Louis Simon  
For the Board



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DEPARTMENT OF STATE CIVIL SERVICE  
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2415 QUAIL DRIVE  
THIRD FLOOR  
BATON ROUGE, LA 70808  
(225) 763-8777  
FAX: (225) 763-8780  
1-800-842-6630  
www.ethics.state.la.us

April 18, 2008

Gregory N. Wampler  
Lemoine & Wampler  
607 Main Street  
Pineville, LA 71360

**Re: Ethics Board Docket No. 2008-335**

Dear Mr. Wampler:

The Louisiana Board of Ethics, acting in its capacity as the Supervisory Committee on Campaign Finance Disclosure, at its April 10, 2008 meeting, considered the request of your client, Judge Allen A. Krake, to use his campaign funds to pay for legal fees incurred in connection with an investigation by the Judiciary Commission. That investigation resulted in the filing of formal charges against Judge Krake. On October 27, 2006, the Supreme Court ruled that Judge Krake would be suspended for the remainder of his term of office, but deferred all but 6 months of that suspension. Judge Krake was able to retake the bench in May 2007. You further state that the Committee to Re-Elect Judge Krake has surplus campaign funds of \$5,900 which Judge Krake would like to use to pay legal fees in connection with the Judiciary Commission's investigation and charges.

Section 1505.2(I) of the Campaign Finance Disclosure Act provides that:

... contributions received by a candidate or a political committee may be expended for any lawful purpose, but such funds shall not be used, loaned, or pledged by any person for any personal use unrelated to a political campaign [or] the holding of a public office . . . LSA-R.S. 18:1505.2(I).

The Board concluded, and instructed me to inform you, that Judge Krake's use of campaign funds to pay the legal fees and expenses in connection with investigation by the Judiciary Commission, is not a use related to his campaign or the holding of public office. If the events that led to the investigation occurred in the absence of all jurisdiction then those events are not a function of the holding of public office. Accordingly, the Board determined that the use of campaign funds, as described, is prohibited by Section 1505.2(I) cited above.

If you have questions, please call me at (800) 842-6630 or (225) 763-8777.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

  
Alesia M. Ardoim  
For the Board



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2415 QUAIL DRIVE  
THIRD FLOOR  
BATON ROUGE, LA 70808  
(225) 763-8777  
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1-800-842-6630  
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September 14, 2007

Paul J. Hebert  
Ottinger Hebert, L.L.C.  
P. O. Drawer 52606  
Lafayette, LA 70505-2606

**Re: Ethics Board Docket No. 2007-556**

Dear Mr. Hebert:

The Louisiana Board of Ethics, acting in its capacity as the Supervisory Committee on Campaign Finance Disclosure, at its September 13, 2007 meeting, considered the request of your client, former Iberia Parish President Will Langlinais, to use his campaign funds to pay for legal fees incurred in connection with civil and criminal lawsuits that arose from findings in a Legislative Audit. According to a Stipulated Factual Basis executed by Mr. Langlinais, he entered a plea of guilty within the parameters of *North Carolina v. Alford*, 400 U.S. 25, 91 S.Ct. 160, 1970 to the crime of "Malfeasance in Office."

Section 1505.2(I) of the Campaign Finance Disclosure Act provides that:


... contributions received by a candidate or a political committee may be expended for any lawful purpose, but such funds shall not be used, loaned, or pledged by any person for any personal use unrelated to a political campaign [or] the holding of a public office ... LSA-R.S. 18:1505.2(I).

The Board concluded, and instructed me to inform you, that Mr. Langlinais' use of campaign funds to pay the legal fees and expenses in connection with the civil and criminal lawsuits that arose from the Legislative Audit, is not a use related to his campaign or the holding of public office. Accordingly, the Board determined that the use of campaign funds, as described, is prohibited by Section 1505.2(I), cited above.

If you have questions, please call me at (800) 842-6630 or (225) 763-8777.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

  
Kathleen M. Allen  
For the Board

/ka

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1-800-842-6630  
[www.ethics.state.la.us](http://www.ethics.state.la.us)

May 12, 2007

Paul J. Hebert  
Ottinger Hebert, L.L.C.  
P. O. Drawer 52606  
Lafayette, LA 70505-2606

**Re: Ethics Board Docket No. 2007-326**

Dear Mr. Hebert:

The Louisiana Board of Ethics, in its capacity as Supervisory Committee on Campaign Finance Disclosure, at its May 10, 2007 meeting, considered your request for an advisory opinion as to the propriety of your client, Will Langlinais, using campaign funds to pay for the legal fees he incurred in connection with a Legislative Auditor's investigation of the Iberia Parish Government. Mr. Langlinais, who serves as the Iberia Parish President, incurred expenses associated with legal advice and representation provided by your law firm during the course of the Legislative Auditor's investigation of the parish government and final report.

The Board concluded, and instructed me to inform you, that the Campaign Finance Disclosure Act permits Mr. Langlinais to use campaign funds to pay for the legal fees he incurred in connection with the preparation of the response to the Legislative Auditor's investigation. R.S. 18:1505.2(I) provides that campaign funds should not be used for any personal use unrelated to a political campaign or the holding of public office. Since the preparation of their response to the Legislative Auditor's investigation involved Mr. Langlinais' activities as parish president, the use of campaign funds for the legal fees incurred is permitted.

The Board issues no opinion as to laws other than the Louisiana Campaign Finance Disclosure Act. If you have any questions, please contact me at (225) 763-8777 or (800) 842-6630.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

*Kathleen M. Allen*  
Kathleen M. Allen  
For the Board

EB:ka:es



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THIRD FLOOR  
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September 19, 2006

W. J. LeBlanc, Jr.  
Gretna City Attorney  
P. O. Box 400  
Belle Chasse, LA 70037

**Re: Ethics Board Docket No. 2006-619**

Dear Mr. LeBlanc:

The Louisiana Board of Ethics, and acting in its capacity as the Supervisory Committee on Campaign Finance Disclosure, at its September 14, 2006 meeting, considered your request concerning Chief Arthur Lawson's use of his campaign funds to pay for defense costs incurred by himself and other police officers or the receipt of such defense services at the cost of a non-profit group/fund. You stated that the New Orleans District Attorney announced to the media that he would empanel a grand jury to investigate the Gretna Police Department, with the assistance of other law enforcement agencies, refusing to allow ingress across a bridge to the City of Gretna. You stated that the chief and other officers need the services of legal counsel, as well as independent investigators and experts to prepare and defend against possible criminal charges resulting from the investigation.

R.S. 18:1505.2I of the Campaign Finance Disclosure Act provides that "contributions received by a candidate . . . may be expended for any lawful purpose, but such funds shall not be used, loaned, or pledged by any person for any personal use unrelated to a political campaign, the holding of a public office or party position, . . . except that excess campaign funds may be . . . given as a charitable contribution as provided in 26 USC 170(c), [or] given to a charitable organization as defined in 26 USC 501(c)(3). . ."

The Board concluded, and instructed me to inform you, as to the following with respect to each of your questions:

1. May the chief donate campaign funds to a non-profit group, such as a policeman's benevolent fund, and the non-profit donate the money to the affected officers to cover defense costs?

The Campaign Finance Disclosure Act permits the Chief of Police to use his campaign funds to make a donation to a charitable organization as defined by 26 USC 501(c)(3). R.S. 18:1505.2I However, Section 1111A(1) of the Code of Governmental Ethics prohibits a

public servant from receiving a thing of economic value because of the position he holds, other than his salary and related benefits from the governmental entity to which he is duly entitled, for the performance of his duties and responsibilities. Since the funds will be given to the chief and police officers for the defense costs related to their duties as such, they are prohibited from receiving the money donated. Correspondingly, Section 1117 of the Code prohibits Chief Lawson and the non-profit group from making such payments.

However, the Campaign Finance Disclosure Act permits a candidate to use his campaign funds in connection with his holding of public office, the chief is not prohibited from using his campaign funds to make payments for the defense costs incurred on his own behalf in this particular matter.

2. May the chief, in his individual capacity, raise money through a non-profit corporation for such a defense fund for legal expenses incurred as a result of the investigation?

No, since the funds will be given to the chief and police officers for the defense costs related to their duties as such, Section 1111A(1) of the Code prohibits them from receiving the money from the non-profit corporation donated for the defense costs incurred. Correspondingly, Section 1117 of the Code prohibits the non-profit group from making such payments.

3. May the chief or members of his department accept donations from non-profits, private individuals, or corporations for legal defenses incurred as a result of the investigation, if they are not involved in the solicitation of said funds?

No, since the funds will be given to the chief and police officers for the defense costs related to their duties as such, Section 1111A(1) of the Code prohibits them from receiving the money donated, even though they were not involved in the solicitation of those funds. Correspondingly, Section 1117 of the Code prohibits the non-profits, private individuals, or corporations from making such payments.

4. May a non-profit group be formed, such as the Gretna Police Defense Fund, and may that non-profit subsequently solicit funds and donations in order to pay any defense costs directly to the attorneys, investigators, etc. that were incurred by the chief and the officers?



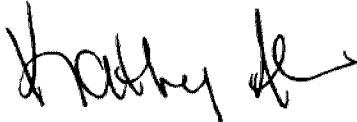
BD 2006-619  
September 19, 2006  
Page 3 of 3

No, since the funds will be given to the chief and police officers for the defense costs related to their duties as such, Section 1111A(1) of the Code prohibits them from receiving the money donated, even though they were not involved in the solicitation of those funds. Correspondingly, Section 1117 of the Code prohibits the non-profit from making such payments.

The Board issues no opinion as to laws other than the Louisiana Code of Governmental Ethics and the Campaign Finance Disclosure Act. If you have questions, please call me at (800) 842-6630 or (225) 763-8777.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

A handwritten signature in black ink, appearing to read 'Kathy Allen', with a stylized flourish at the end.

Kathleen M. Allen  
For the Board



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2415 QUAIL DRIVE  
THIRD FLOOR  
BATON ROUGE, LA 70808  
(225) 763-8777  
FAX: (225) 763-8780  
1-800-842-6630  
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February 10, 2005

Val M. Solino, Executive Assistant  
District Attorney of New Orleans  
619 South White Street  
New Orleans, LA 70119

**Re: Ethics Board Docket No. 2005-011**

Dear Mr. Solino:

The Louisiana Board of Ethics, acting as the Supervisory Committee on Campaign Finance Disclosure, at its February 10, 2005 meeting, considered your request for an advisory opinion on behalf of Eddie J. Jordan, Jr. concerning his use of campaign funds to pay the legal costs incurred as a result of defending a discrimination lawsuit filed by former employees of the District Attorney's Office. The former employees allege that they were improperly terminated when the Mr. Jordan took office as the District Attorney in January 2003.

Section 1505.2(I) of the Campaign Finance Disclosure Act provides that:

... contributions received by a candidate or a political committee may be expended for any lawful purpose, but such funds shall not be used, loaned, or pledged by any person for any personal use unrelated to a political campaign [or] the holding of a public office ... LSA-R.S. 18:1505.2(I).

The Board concluded, and instructed me to inform you, that Section 1505.2(I), cited above, does not prohibit the use of Mr. Jordan's surplus campaign funds to pay legal costs incurred in connection with his defense of the discrimination lawsuit filed by former employees of the District Attorney's Office.

If you have questions, please call me at (800) 842-6630 or (225) 763-8777.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

Kathleen M. Allen  
For the Board



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February 11, 2005

Alan J. Green, Judge  
24<sup>th</sup> Judicial District Court, Division C  
200 Derbigny Street  
Gretna, LA 70053

**Re: Ethics Board Docket No. 2004-647**

Dear Judge Green:

The Louisiana Board of Ethics, acting as the Supervisory Committee on Campaign Finance Disclosure, at its February 10, 2005 meeting, gave further consideration to your request for an advisory opinion as to the propriety of your use of campaign funds to defray your criminal defense expenses associated with a federal indictment. You stated that you were indicted on the following three charges: conspiracy to operate an enterprise through a pattern of racketeering activity, conspiracy to commit mail fraud, and mail fraud. You further stated that the indictment alleges in part that you engaged in the practice of bond splitting to allow Bail Bonds Unlimited, Inc. (BBU) to maximize its profits.

Section 1505.2(I) of the Campaign Finance Disclosure Act provides that:

... contributions received by a candidate or a political committee may be expended for any lawful purpose, but such funds shall not be used, loaned, or pledged by any person for any personal use unrelated to a political campaign [or] the holding of a public office ... LSA-R.S. 18:1505.2(I).

The Board concluded, and instructed me to inform you, that your use of campaign funds to pay the legal fees and expenses in connection with your defense of the criminal charges on which you have been indicted, is not a use related to your campaign or the holding of public office. Accordingly, the Board determined that the use of campaign funds, as described, is prohibited by Section 1505.2(I), cited above.

If you have questions, please call me at (800) 842-6630 or (225) 763-8777.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

Kathleen M. Allen  
For the Board

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November 19, 2003

Marlin R. Peachey, Jr., Treasurer  
Sheriff Jack Strain Campaign  
806 Harmony Lane  
Mandeville, LA 70471

**Re: Ethics Board Docket No. 2003-813**

Dear Mr. Peachey:

The Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, at its November 13, 2003 meeting, considered your request for an advisory opinion as to the propriety of Sheriff Jack Strain using campaign funds to file a civil lawsuit alleging defamation of character by Ray Grow, another candidate for St. Tammany Parish Sheriff in the October 4, 2003 election. You stated that any damages award to Sheriff Strain as a result of the lawsuit will be donated to the Children's Advocacy Center, a non-profit organization.

The Board, without Board member Greene participating, concluded, and instructed me to inform you, that the Campaign Finance Disclosure Act permits Sheriff Strain to use his campaign funds to pay for the legal fees incurred in connection with the intended lawsuit. R.S. 18:1505.2I provides that campaign funds shall not be used for any personal use unrelated to a political campaign or the holding of public office. Since the lawsuit involves an allegation that Sheriff Strain's character was defamed in connection with his candidacy for sheriff in the October 4, 2003 election, he may use campaign funds for the legal expenses of the lawsuit. The Board issues no opinion as to laws other than the Campaign Finance Disclosure Act.

If you have any questions, please contact me at (800) 842-6630 or (225) 763-8777.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

Kathleen M. Allen  
For the Board

EB:KMA



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November 19, 2003

Jeffrey D. Schoen  
Jones Fussell, L.L.P.  
P. O. Box 1810  
Covington, LA 70434

**Re: Ethics Board Docket No. 2003-811**

Dear Mr. Schoen:

The Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, at its November 13, 2003 meeting, considered your request for an advisory opinion on behalf of your client, James A. "Red" Thompson, as to the propriety of Mr. Thompson using campaign funds to pay for the legal fees associated with two lawsuits. Mr. Thompson was the incumbent candidate for St. Tammany Parish Council, District 3 in the October 4, 2003 election. The first lawsuit, *Adam Ackel vs. James A. "Red" Thompson*, Suit No. 2003-14085, involved a petition objecting to Mr. Thompson's candidacy. The second lawsuit, *Adam Ackel vs. James A. "Red" Thompson*, Suit No. 2003-14086, involved a petition seeking a declaratory judgment that Mr. Thompson's service on the St. Tammany Parish Council presented a violation of the dual-officeholding laws. Both lawsuits were dismissed.

The Board, without Board member Greene participating, concluded, and instructed me to inform you, that the Campaign Finance Disclosure Act permits you to use your campaign funds to pay for the legal fees incurred in connection with the above-referenced lawsuits. R.S. 18:1505.21 provides that campaign funds shall not be used for any personal use unrelated to a political campaign or the holding of public office. Since the lawsuits involved your competency to be a candidate for and to hold your elected office, you may use your campaign funds to pay for the legal fees incurred in connection with your defense in the lawsuits. The Board issues no opinion as to laws other than the Campaign Finance Disclosure Act.

If you have any questions, please contact me at (800) 842-6630 or (225) 763-8777.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

Kathleen M. Allen  
For the Board

EB:KMA



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September 12, 2003

The Honorable Timothy E. Kelley  
Judge, Division F  
Nineteenth Judicial District Court  
222 St. Louis Street, Suite 857  
Baton Rouge, LA 70802

Re: Ethics Board Docket No. 2003-697

Dear Judge Kelley:

The Louisiana Board of Ethics, acting as the Supervisory Committee on Campaign Finance Disclosure, at its September 11, 2003 meeting, considered your request for an advisory opinion concerning the propriety of your use of campaign funds to repay legal expenses you incurred while defending a complaint filed against you with the Judiciary Commission. The complaint alleged that you breached the Code of Judicial Ethics when you failed to recuse yourself as judge in a lawsuit in which the spouse of your opponent in an election was counsel for the plaintiff. A motion to recuse filed by the plaintiff had previously been denied by another judge. You stated that the Judiciary Commission found no merit to the complaint and the complaint was dismissed without a formal hearing. However, you explained that you incurred legal fees in connection with the matter that you paid with personal funds.

Section 1505.2(I) of the Campaign Finance Disclosure Act provides that:

... contributions received by a candidate or a political committee may be expended for any lawful purpose, but such funds shall not be used, loaned, or pledged by any person for any personal use unrelated to a political campaign [or] the holding of a public office ... LSA-R.S. 18:1505.2(I).

The Board expressed the opinion your use of campaign funds to pay legal fees in connection with your successful defense of the described complaint filed against you with the Judiciary Commission is not prohibited by Section 1505.2(I), cited above. The Board issues no opinion as to laws other than the Campaign Finance Disclosure Act.

If you have any questions, please call me at (800) 842-6630 or (225) 763-8777.

Sincerely,

LOUISIANA BOARD OF ETHICS

*M. E. LeBlanc*  
Matis E. LeBlanc  
For the Board



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June 16, 2003

J. Edward Layrisson, Sheriff  
Tangipahoa Parish  
P. O. Box 727  
Amite, LA 70422

**Re: Ethics Board Docket No. 2002-819**

Dear Sheriff Layrisson:

The Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, thanks you for your appearance at its June 12, 2003 meeting, in connection with your request for an advisory opinion as to whether you may use your campaign funds to reimburse yourself for the legal fees you incurred in defending yourself in connection with a federal investigation. The federal investigation concerned allegations that as the Tangipahoa Parish Sheriff, you took bribes from those with video poker interests and that you owned a video poker establishment. No charges were ever filed against you as a result of the investigation.

The Board concluded, and instructed me to inform you, that the Campaign Finance Disclosure Act permits you to reimburse yourself for the legal fees incurred in connection with the federal investigation that you owned a video poker establishment and you took a bribe. R.S. 18:1505.2I provides that campaign funds shall not be used for any personal use unrelated to a political campaign or the holding of public office. Since the federal investigation concerned your activity as a public official, you may use your campaign funds to reimburse yourself for the legal fees incurred in connection with your defense. The Board issues no opinion as to laws other than the Campaign Finance Disclosure Act.

If you have any questions, please contact me at (800) 842-6630 or (225) 763-8777.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

Kathleen M. Allen  
For the Board

EB:KMA



STATE OF LOUISIANA  
DEPARTMENT OF STATE CIVIL SERVICE  
**LOUISIANA BOARD OF ETHICS**  
8401 UNITED PLAZA BOULEVARD  
SUITE 200  
BATON ROUGE, LA 70809-7017  
(225) 922-1400  
FAX: (225) 922-1414  
1-800-842-6630  
[www.ethics.state.la.us](http://www.ethics.state.la.us)

September 23, 2002

Ms. Mary Olive Pierson  
Attorney at Law  
P. O. Box 14647  
Baton Rouge, LA 70898-4647

Re: Ethics Board Docket No. 2002-545

Dear Ms. Pierson:

You appeared before the Board of Ethics, acting as the Supervisory Committee on Campaign Finance Disclosure, at its September 12, 2002 meeting, with reference to the advisory opinion requested with respect to the right of your client, Commissioner of Agriculture Bob Odom, to use his campaign funds to pay legal fees and legal expenses in connection with his defense of criminal charges on which he has been indicted. You had previously provided a copy of the indictment issued by an East Baton Rouge Parish Grand Jury which lists twenty-one counts, each of which recite that Mr. Odom is a person elected to public office.<sup>1</sup> Counts one through five each note that the conduct described was "with the intent to influence [Mr. Odom's] conduct in relation to his position, employment or duty." Counts six through eleven and sixteen through eighteen reference resources of the Department of Agriculture. Counts twelve, thirteen, nineteen, twenty, and twenty-one relate to Mr. Odom's campaign activity. Counts fourteen and fifteen are in reference to Mr. Odom's duties as Commissioner of Agriculture with respect to the Louisiana State Market Commission.

Section 1505.2(I) of the Campaign Finance Disclosure Act provides that:

... contributions received by a candidate or a political committee may be expended for any lawful purpose, but such funds shall not be used, loaned, or pledged by any person for any personal use unrelated to a political campaign [or] the holding of a public office ... LSA-R.S. 18:1505.2(I).

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<sup>1</sup>Count 12 does not recite that Mr. Odom is the elected Commissioner of Agriculture, but you noted that this was apparently a typographical error since his name is not listed either. Count 21 likewise does not state that Mr. Odom is an elected official but you stated that the records referenced in that count are campaign records.



The Board, after reviewing the request and the information submitted, concluded, by a five to four vote, that the use of Mr. Odom's campaign funds to pay legal fees and legal expenses in connection with his defense of the criminal charges on which he has been indicted, under the facts of the case as presented, is a use related to his campaign or the holding of a public office and permitted under the provision of Section 1505.2(I), cited above. Those members voting to approve the use of funds were Greene, Hargrove, Kantrow, Perry and Ware. The members dissenting from the vote were Maselli, Perret, Smith, and Chairman Roland. Board members Foster and Guidry were absent and did not participate.

If you have further questions, please call me at (225) 922-1400.

Yours truly,

**LOUISIANA BOARD OF ETHICS**



R. Gray Sexton  
For the Board

RGS:mlm



March 19, 2003

STATE OF LOUISIANA  
DEPARTMENT OF STATE CIVIL SERVICE  
**LOUISIANA BOARD OF ETHICS**  
2415 QUAIL DRIVE  
THIRD FLOOR  
BATON ROUGE, LA 70808  
(225) 763-8777  
FAX: (225) 763-8780  
1-800-842-6630  
www.ethics.state.la.us

Mr. Edward J. Castaing, Jr.  
Attorney at Law  
601 Poydras Street, Suite 2323  
New Orleans, LA 70130

Re: Ethics Board Docket No. 2002-397

Dear Mr. Castaing:

The Louisiana Board of Ethics, acting as the Supervisory Committee on Campaign Finance Disclosure, at its March 13, 2003 meeting, gave further consideration to your request for an advisory opinion as to the propriety of Judge Ronald D. Bodenheimer, of the 24<sup>th</sup> Judicial District Court, using campaign funds to defray his criminal defense expenses associated with a federal indictment. The Board had previously ruled that Judge Bodenheimer could not use campaign funds to defray criminal expenses to defend charges for allegedly conspiring to distribute the drug Oxycodone and related offenses. You provided a copy of a felony indictment issued February 5, 2003, by the Grand Jury for the United States District Court for the Eastern District charging Judge Bodenheimer with mail fraud and conspiracy to violate civil rights. The indictment describes conduct of Judge Bodenheimer as the presiding judge in a domestic proceeding referenced as Father v. Mother. The Board had concluded at its February 13, 2003 meeting that the use of campaign funds in the defense of the February 5, 2003 indictment was prohibited. However, the Board reconsidered and reversed that opinion based, in part, on the additional information you provided to the Board during its March meeting.

Section 1505.2(I) of the Campaign Finance Disclosure Act provides that:

... contributions received by a candidate or a political committee may be expended for any lawful purpose, but such funds shall not be used, loaned, or pledged by any person for any personal use unrelated to a political campaign [or] the holding of a public office ... LSA-R.S. 18:1505.2(I).

The Board, by a vote of six to four, expressed the opinion that Section 1505.2(I), cited above, and based on the specific and unique facts presented to the Board, does not prohibit the use of Judge Bodenheimer's campaign funds to pay legal fees and legal expenses in connection with his defense of the criminal charges for which he was indicted on February 5, 2003. Those Board members voting for this opinion were Judge Green, Judge Guidry, Mr. Perry, Mr. Ware, Ms. Foster, and Mr. Hargrove. Chairman Roland and members Perret, Smith, and Kantrow voted against the issued opinion and Mr. Maselli abstained.

If you have questions, please call me at (800) 842-6630 or (225) 763-8777.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

Maris LeBlanc McCrory  
For the Board



STATE OF LOUISIANA  
DEPARTMENT OF STATE CIVIL SERVICE  
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February 17, 2003

Mr. Edward J. Castaing, Jr.  
Attorney at Law  
601 Poydras Street, Suite 2323  
New Orleans, LA 70130

Re: Ethics Board Docket No. 2002-397

Dear Mr. Castaing:

The Louisiana Board of Ethics, acting as the Supervisory Committee on Campaign Finance Disclosure, at its February 13, 2003 meeting, considered your request for an advisory opinion as to the propriety of Judge Ronald D. Bodenheimer, of the 24<sup>th</sup> Judicial District Court, using campaign funds to defray his criminal defense expenses associated with a federal indictment. The Board had previously ruled that Judge Bodenheimer could not use campaign funds to defray criminal expenses to defend charges for allegedly conspiring to distribute the drug Oxycodone and related offenses. You provided a copy of a felony indictment issued February 5, 2003, by the Grand Jury for the United States District Court for the Eastern District charging Judge Bodenheimer with mail fraud and conspiracy to violate civil rights. The indictment describes conduct of Judge Bodenheimer as the presiding judge in a domestic proceeding referenced as Father v. Mother.

Section 1505.2(I) of the Campaign Finance Disclosure Act provides that:

... contributions received by a candidate or a political committee may be expended for any lawful purpose, but such funds shall not be used, loaned, or pledged by any person for any personal use unrelated to a political campaign [or] the holding of a public office  
... LSA-R.S. 18:1505.2(I).

The Board concluded by a vote of seven to four, that the use of Judge Bodenheimer's campaign funds to pay legal fees and legal expenses in connection with his defense of the criminal charges for which he was indicted on February 5, 2003, is not a use related to a campaign or the holding of a public office. The Board therefore determined that the use of campaign funds, as described, is prohibited by of Section 1505.2(I), cited above.

If you have questions, please call me at (800) 842-6630 or (225) 922-1400.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

  
Maris LeBlanc McCrory  
For the Board

MLM:cah



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October 11, 2002

Mr. Edward J. Castaing, Jr.  
Attorney at Law  
601 Poydras Street, Suite 2323  
New Orleans, LA 70130

Re: Ethics Board Docket No. 2002-397

Dear Mr. Castaing:

The Louisiana Board of Ethics, acting as the Supervisory Committee on Campaign Finance Disclosure, at its October 10, 2002 meeting, considered your request for an advisory opinion as to the propriety of Judge Ronald D. Bodenheimer, of the 24<sup>th</sup> Judicial District Court, using campaign funds to defray his criminal defense expenses associated with a federal investigation. You stated that charges have been brought against Judge Bodenheimer for allegedly conspiring to distribute the drug Oxycodone and related offenses. You further stated that the Government has contended that a motive for the alleged crimes was attempting to protect Judge Bodenheimer's interest as a candidate for his judgeship and that the alleged crime may have benefitted the judge and a litigant in his court.

Section 1505.2(I) of the Campaign Finance Disclosure Act provides that:

... contributions received by a candidate or a political committee may be expended for any lawful purpose, but such funds shall not be used, loaned, or pledged by any person for any personal use unrelated to a political campaign [or] the holding of a public office ... LSA-R.S. 18:1505.2(I).

The Board concluded that the use of Judge Bodenheimer's campaign funds to pay legal fees and legal expenses in connection with his defense of the criminal charges on which he has been indicted, under the facts of the case as presented, is not a use related to his campaign or the holding of a public office. The Board therefore determined that the use of campaign funds, as described, is prohibited by Section 1505.2(I), cited above.

If you have questions, please call me at (800) 842-6630 or (225) 922-1400.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

Maris LeBlanc McCrory  
For the Board

MLM:cah



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August 24, 2000

Adrian Genre  
617 Whitehead Blvd.  
Port Allen, LA 70767

**Re: Ethics Board Docket No. 2000-543**

Dear Chief Genre:

The Louisiana Board of Ethics, at its August 17, 2000 meeting, considered your request for an advisory opinion as to whether you may use campaign funds to pay for legal fees incurred as the result of a federal criminal charge of perjury. The criminal charge arose during a civil lawsuit in which you were involved as the chief of the Port Allen Police Department. You stated that you signed a plea agreement with the U. S. Attorney's Office stipulating to a guilty plea to said charge.

The Board concluded, and instructed me to inform you, that you may not use campaign funds to pay for legal fees incurred in connection with the federal criminal charge of perjury to which you pled guilty. If you have any questions, please feel free to contact me at (225) 922-1400 or (800) 842-6630.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

A handwritten signature in cursive script that reads "Kathleen M. Allen".

Kathleen M. Allen  
For the Board

EB:KMA



STATE OF LOUISIANA  
DEPARTMENT OF STATE CIVIL SERVICE  
**COMMISSION ON ETHICS FOR PUBLIC EMPLOYEES**  
**BOARD OF ETHICS FOR ELECTED OFFICIALS**  
THE SUPERVISORY COMMITTEE FOR CAMPAIGN FINANCE  
7434 PERKINS ROAD-SUITE B  
BATON ROUGE, LA 70808-4379  
(504) 765-2308

November 27, 1993

Ms. Judy Boykin  
Caddo Parish School Board  
710 Hyde Park Pl.  
Shreveport, LA 71108

Re: Ethics Board Docket No. 93-141

Dear Ms. Boykin:

The Board of Ethics for Elected Officials, during the course of its November 4, 1993 meeting, considered your request for an advisory opinion of October 14, 1993.

At that time, and after considerable deliberation, the Board instructed me to advise you of the following, to wit:

- 1) You may accept private contributions for the purpose of paying legal fees incurred in connection with the defense of contempt charges excepting only that you may not accept private contributions from sources that either "have or are seeking to obtain a contractual or business or financial relationship" with the Caddo Parish School Board.
- 2) Campaign funds may be used to discharge the described legal fees.
- 3) If contributions are made in excess of legal fees and expenses incurred, and as these are viewed by the Board as being your funds, you may indeed use these excess contributions as campaign funds provided they are reported in compliance with the provisions of the Campaign Finance Disclosure Act.
- 4) You may accept free legal representation from an individual attorney or group of attorneys who have no contract with and who do not otherwise represent a public entity of which you are a member.

If you would like to discuss these matters with me directly, do not hesitate to give me a call.

Yours truly,

  
R. Gray Segton  
For the Board

EB:RGS:1hr

October 14, 1993

Board of Ethics for Elected Officials  
7434 Perkins Road, Suite B  
Baton Rouge, Louisiana 70808

Attention: Mr. Gray Sexton, Director

Dear Board Members:

I am a duly elected member of a parish school board and have been serving as its president since January of 1993. I am requesting your opinion with respect to the following:

The school board has been a defendant in litigation challenging the legality of the content of one of its educational programs. In May of 1993, contempt charges were brought against me as president of the school board, because of statements made by me at a news conference which were allegedly critical of the court's decision against the school board on the merits of the case.

I have been represented by a private attorney in the contempt proceedings and a request for review of a judgment of contempt against me is presently pending in an appellate court. Because of the nature of these contempt proceedings, the school board has not paid any of these legal fees and expenses.

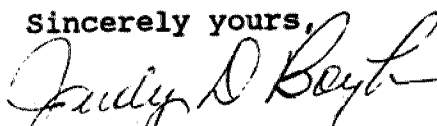
My questions relate to the payment of the legal fees and expenses incurred by me in the contempt proceedings. They are as follows:

- (1) May I accept private contributions for the purpose of paying the legal fees incurred by me to defend against the contempt charges?
  - (a) May campaign funds be used to pay these legal fees?
  - (b) If contributions are made in excess of the legal fees and expenses incurred, may those excess contributions be used as campaign funds?

October 14, 1993

- (2) May I accept free legal representation from an individual attorney or group of attorneys who have no contract with and do not represent the public entity of which I am a member?

Sincerely yours,



Judy D. Boykin





STATE OF LOUISIANA  
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THE SUPERVISORY COMMITTEE FOR CAMPAIGN FINANCE  
7434 PERKINS ROAD-SUITE B  
BATON ROUGE, LA 70808-4379  
(504) 765-2308

November 24, 1992

Mr. Wayne R. Rogillio  
9423 Trendale  
Greenwell Springs, LA 70739

RE: Ethics Board Docket No. 92-160

Dear Mr. Rogillio:

At its November 19, 1992 meeting, the Board of Ethics for Elected Officials, acting as the Supervisory Committee on Campaign Finance Disclosure, considered your request for an opinion concerning your use of campaign funds for legal fees in a lawsuit concerning statements made by your opponent during the course of your campaign for East Baton Rouge Metro Council District 4. The Board concluded, and instructed me to inform you, that your use of campaign funds to pay litigation expenses under these circumstances would not violate the provisions of R.S. 18:1505.2I.

If you have any questions please call me at 765-2308.

Sincerely,

BOARD OF ETHICS  
FOR ELECTED OFFICIALS

  
Mari's LeBlanc McCrory  
For the Board

BD:MLM:crv